

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF GEORGIA
BRUNSWICK DIVISION

FILED
U.S. DISTRICT COURT
IV.

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CLERK R. Allen
SO. DIST. OF GA.

ANTHONY B. KING,

Plaintiff,

v.

WAYNE BENNETT, Sheriff,

Defendants.

CIVIL ACTION NO.: CV212-132

MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

Plaintiff Anthony B. King ("Plaintiff"), a detainee currently confined at Whitworth Parole Center in Hartwell, Georgia, filed an action pursuant to 42 U.S.C. § 1983 contesting events occurring at Glynn County Detention Center in Brunswick, Georgia. A detainee proceeding in a civil action against officers or employees of government entities must comply with the mandates of the Prison Litigation Reform Act, 28 U.S.C. §§ 1915 and 1915A. In determining compliance, the court shall be guided by the longstanding principle that *pro se* pleadings are entitled to liberal construction. Haines v. Kerner, 404 U.S. 519, 520 (1972); Walker v. Dugger, 860 F.2d 1010, 1011 (11th Cir. 1988).

28 U.S.C. § 1915A requires a district court to screen the complaint for cognizable claims before or as soon as possible after docketing. The court must dismiss the complaint or any portion of the complaint that is frivolous, malicious, fails to state a

claim upon which relief may be granted, or seeks monetary damages from a defendant who is immune from such relief. 28 U.S.C. § 1915A(b)(1) and (2).

In Mitchell v. Farcass, 112 F.3d 1483, 1490 (11th Cir. 1997), the Court of Appeals for the Eleventh Circuit interpreted the language contained in § 1915(e)(2)(B)(ii), which is nearly identical to that contained in the screening provisions at § 1915A(b). As the language of § 1915(e)(2)(B)(ii) closely tracks the language of Federal Rule of Civil Procedure 12(b)(6), the court held that the same standards for determining whether to dismiss for failure to state a claim under Rule 12(b)(6) should be applied to prisoner complaints filed pursuant to § 1915(e)(2)(B)(ii). Mitchell, 112 F.3d at 1490. Although the court in Mitchell interpreted § 1915(e), its interpretation guides this Court in applying the identical language of § 1915A.

Plaintiff alleges that between the dates of December 15, 2011, and February 14, 2012, he was not provided with access to an adequate law library. Plaintiff names Sheriff Wayne Bennett as Defendant.

A plaintiff must set forth "a short and plain statement of the claim showing that [he] is entitled to relief." FED. R. CIV. P. 8(a)(2). Plaintiff fails to make any factual allegations that Defendant was involved in any way with the law library at Glynn County Detention Center. Therefore, Plaintiff has not shown that he is entitled to relief against Defendant.

CONCLUSION

Based on the foregoing, it is my **RECOMMENDATION** that Plaintiff's Complaint be **DISMISSED** for failure to state a claim upon which relief can be granted.

SO REPORTED and RECOMMENDED, this 25th day of September, 2012.



JAMES E. GRAHAM
UNITED STATES MAGISTRATE JUDGE